

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

July 15, 2020
10:00 AM

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IN RE:

Case No. 16-22617-SHL-13

HELEN RACANELLI,

Hon. SEAN H. LANE

NOTICE OF MOTION

Debtor.
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PLEASE TAKE NOTICE, that upon the within application, Krista M. Preuss, Chapter 13 Trustee, will move this court before the Hon. Sean H. Lane, U.S. Bankruptcy Judge, at the United States Bankruptcy Court, at 300 Quarropas, White Plains, NY 10601-4150, on the 15th day of July, 2020 at 10:00 AM, or as soon thereafter as counsel can be heard, for an order pursuant to 11 U.S.C. 1307(c) dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Responsive papers shall be filed with the bankruptcy court and served upon the Chapter 13 Trustee, Krista M. Preuss, Esq., no later than seven (7) days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Civil Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: White Plains, New York
June 16, 2020

s/ Krista M. Preuss
Krista M. Preuss, Chapter 13 Trustee
399 Knollwood Road, Ste 102
White Plains, NY 10603
(914) 328-6333

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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July 15, 2020
10:00 AM

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IN RE:

Case No: 16-22617-SHL-13

HELEN RACANELLI,

Hon. SEAN H. LANE

APPLICATION

Debtor.

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TO THE HONORABLE SEAN H. LANE, U.S. BANKRUPTCY JUDGE:

KRISTA M. PREUSS, Chapter 13 Trustee in the above-captioned estate, respectfully represents the following:

1. The Debtor filed a petition under the provisions of 11 U.S.C. Chapter 13 on May 3, 2016, and, thereafter, KRISTA M. PREUSS was duly appointed and qualified as Trustee.

2. The Debtor has failed to submit timely Chapter 13 plan payments to the Trustee as required by 11 U.S.C. §1325(a)(6), being four months in arrears, or the sum of \$33,000.00, as of the date of this motion.

3. The Debtor has failed to provide the Trustee a copy of a federal and state income tax returns or transcripts for the most recent year, specifically 2019, or in the alternative, if not filed, a W-2 statement, pursuant to 11 U.S.C. §521(e)(2)(A)(i).

4. The Debtor does not qualify for Chapter 13 relief as the Debtor's secured debt exceeds the jurisdictional limit of \$1,257,850.00, pursuant to 11 U.S.C. §109(e). Debtor has filed a notice to convert the case to Chapter 11. If the case is not converted, Trustee respectfully requests it be dismissed.

5. The deficiencies as stated above impede the Trustee's ability to administer this case and, therefore, are defaults that are prejudicial to the rights of the creditors of the Debtor pursuant to 11 U.S.C. §1307(c)(1).

6. The foregoing constitutes cause to dismiss this Chapter 13 case within the meaning of 11 U.S.C. §1307(c).

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an Order dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Dated: White Plains, New York
June 16, 2020

/s/ Krista M. Preuss
Krista M. Preuss, Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Case No: 16-22617-SHL-13

HELEN RACANELLI,

**CERTIFICATE OF SERVICE
BY MAIL**

Debtor.

-----X

This is to certify that I, Nancy Barreiro, have this day served a true, accurate and correct copy of the within Notice of Motion and Application by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

HELEN RACANELLI
16 RIVERSIDE PLACE
DOBBS FERRY, NY 10522

LINDA M. TIRELLI, ESQ.
TIRELLI LAW GROUP, LLC
50 MAIN STREET, SUITE 1265
WHITE PLAINS, NY 10606

U. S. BANK NATIONAL ASSOCIATION
C/O NATIONSTAR MORTGAGE, LLC
P.O. BOX 619096
DALLAS, TEXAS 75261

NATIONSTAR MORTGAGE, LLC
D/B/A MR. COOPER
P.O. BOX 619096
DALLAS, TEXAS 75261

THE BANK OF NEW YORK MELLON
C/O BANK OF AMERICA
P.O. BOX 31785
TAMPA, FLORIDA 33631

U.S. BANK NATIONAL ASSOCIATION
NATIONSTAR MORTGAGE, LLC
C/O MCELROY DEUTSCH MULVANEY CARPENTER, LLP
225 LIBERTY STREET 36TH FLOOR
NEW YORK, NEW YORK 10281

This June 16, 2020

s/ Nancy Barreiro

Nancy Barreiro, Paralegal

Office of the Standing Chapter 13 Trustee

Krista M. Preuss, Esq.

399 Knollwood Road, Suite 102

White Plains, NY 10603

(914) 328-6333

CASE NO: 16-22617-SHL-13

Hon. SEAN H. LANE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

HELEN RACANELLI,

Debtor.

NOTICE OF MOTION, APPLICATION, AND CERTIFICATE OF SERVICE

**KRISTA M. PREUSS
STANDING CHAPTER 13 TRUSTEE
399 KNOLLWOOD ROAD, SUITE 102
WHITE PLAINS, NEW YORK 10603
(914) 328-6333**
